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A SPEECH

ON

MEDICAL REFORM,

DELIVERED BY

LORD ELCHO, M.P.

IN THE HOUSE OF COMMONS, JULY 1, 1857,

ON THE SECOND READING OF

THE MEDICAL PROFESSION BILL (No. 1).

With Appendix.

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PREFACE.

CONSIDERABLE misconception having prevailed regarding the two Medical Bills introduced into the House of Commons in 1857, it may be well to state that in 1856, Mr. Headlam introduced a Bill, which was referred to a Select Committee, and that this Bill, after having undergone considerable change in the hands of the Select Committee, was received with much approval by the advocates of reform throughout the country, but from its having been reported to the House late in the session, it was not proceeded with.

The Medical Corporations taking alarm, drew up, during the parliamentary recess, a Bill of their own, which, under the simulation of Reform, would, had it been carried, have left the Profession in a worse state than it is at present. Nevertheless, Mr. Headlam was induced to declare off from his former Bill in its amended form, and to take charge of the Corporation Bill; whereupon Lord Elcho took up the amended Bill, and re-introduced it.

It is now known that, owing partly to the potent influences brought to bear on the medical journals, and partly to the dexterous management of the Corporation

party, a singular misapprehension existed for a time throughout the Profession, and that Petitions were got up, and Members of Parliament canvassed to vote in favour of Mr. Headlam's Bill and against Lord Elcho's, under the erroneous impression that Mr. Headlam's Bill was, in truth, the Bill of the Select Committee, and that Lord Elcho's was altogether of another character. It has been considered, therefore, advisable, for the correction of the mistake, and for giving greater currency to sound views on Medical Reform, to print the speech which Lord Elcho delivered on the second reading of Mr. Headlam's Bill. Lord Elcho, on being applied to, kindly undertook its revision.

In an Appendix will be found some reprints of documents and extracts, which will serve further to throw light upon this interesting subject.

A SPEECH, &c.

Lord Elcho.—The Honourable Member for Roscommon (Colonel French) has described the course which I have pursued upon this question as somewhat extraordinary, and has called upon me for an explanation. I readily admit the justice of his remarks, and I now ask the House to extend to me its kind indulgence whilst I endeavour to show that it is by a sense of public duty, and by that alone, that I have been actuated in the course which I have pursued. I feel this to be the more necessary, because my motives have been misinterpreted, and my acts misconstrued, both by the Profession and by the public; it having been freely stated that my object is to obstruct the progress of Medical Reform, and that I wish to rival the honourable and learned gentleman, the Member for Newcastle (Mr. Headlam), as a Medical Reformer.

Now, Sir, as regards the charge of wishing to obstruct the progress of Medical Reform, I can assure the House that I am far too sensible of the necessity of a reform in the laws which now regulate the Medical Profession to desire, or attempt to throw any impediment in the way of a just and beneficial measure. The evils and anomalies of the present state of the law upon this subject are so great and so striking— so injurious both to the profession and public, that I have long felt the necessity of its reform.

Let me shortly mention three instances of the present absurd and anomalous state of the law. In the city of Edinburgh there is a distinguished medical man, Dr. Simpson, the Professor of Midwifery, who, in his particular branch of practice, is perhaps more eminent than any man in the United Kingdom. He is Physician-Accoucheur to Her Majesty in Scotland. Nevertheless, such is the present state of the law, that if he were at any time to

consult in London with any of Her Majesty's Physicians on the state of Her Majesty's health, he would render himself liable to prosecution by the London College of Physicians, who have by law a monopoly of practice in London and within a seven-mile radius. We, who live in the metropolis, are in fact the private property of the Royal College of Physicians; we are, as it were, a preserve kept up for their especial benefit, and London is "their happy hunting-grounds."

Next, let me refer to the case of the London University. The Medical degree of the London University is, I believe, justly held to be one of the highest medical testimonials in Europe; yet the holder of that degree, although thereby entitled to practise in the rest of England, is prohibited from practising in London, the very place where the University is situated from which his degree is obtained.

The third absurd anomaly to which I would call attention is the simple fact, that the Archbishop of Canterbury possesses the power of granting medical degrees without any previous examination whatever.

The honourable Member for Finsbury has quoted the analogy of the hackney-cabmen with respect to registration. I would venture to follow up the figure, and say, that the present state of the law with regard to the Medical Profession is as absurd as if the cabmen in Palace Yard, with certain badges round their necks, could only convey gentlemen to Belgrave Square, and that those who wanted to go to Hanover Square must procure a cab from some other quarter.

So far from wishing to rival my honourable friend as a Medical Reformer it will be sufficient to state, that when my honourable friend gave notice of his Bill, I asked him if it were the same as that which was reported to the House by the Select Committee on which we both sat last Session, stating, that if it were so, any sort of assistance which I could give him was at his service; and it was only upon finding that his Bill was not the amended Bill of the Committee, but the very same Bill, with the exception of some alteration in the constitution of the Council, which he had brought in at the commencement of 1856, that I determined to oppose it. I do not pretend to be more practical than other men, but I venture to think that if we wish to pass a good measure of Medical Reform, the practical

course will be to take up the Bill in the amended state in which it was left by the Committee at the end of 1856, and not to take it up as it was introduced at the beginning of 1856. I stand by the Bill of the Select Committee, and I ask the House to reject the Bill of my honourable friend, with a view of substituting in its place the Bill of the Select Committee, which I believe to be a liberal and just measure, and as such entitled to support; but whatever the fate of the Select Committee's Bill may be, I venture to predict that the Bill of my honourable friend cannot pass into a law. Last year, no less than three pages of the Parliamentary Votes were filled with notices of amendments upon it as originally introduced. Altogether, upon going into Committee upon it, there were fifty-one amendments on the paper, and inasmuch as every principle contained in the Bill which was objected to at that time is to be found, if possible in a more aggravated form, in the present Bill, I leave the House to judge what chance it will ever have of passing into a law. I now wish to discuss this question upon some broad and intelligible principle, because it appears to me that that is the rule which we ought always to lay down for ourselves upon the second reading of a measure, in preference to dealing too much with matters of detail. But first, let me read to the House the names of the Members who composed the Select Committee of last Session to whom this Bill was referred. The Members were, Mr. Cowper (in the chair), Mr. Headlam, Mr. Brady, Mr. Craufurd, Sir W. Heathcote, Mr. Napier, Lord R. Grosvenor, Mr. Black, Colonel Dunne, Mr. Bell, Mr. Strutt (the present Lord Belper), Mr. A. Hastie, Mr. Percy, Mr. Howard, and myself. I consider that Committee to have been fairly constituted; certainly the promoters of the measure could not reasonably complain, for the three Members whose names were on the back of the Bill were Members of the Committee. I have never sat upon a more unanimous Committee. Indeed, so unanimous were we "upstairs," that I ventured to express a hope that our proceedings when the Bill came down to the House would be characterized by equal unanimity; and with the exception of Colonel Dunne, who is no longer a Member of the House, we all agreed to support one another, sinking all minor differences in the hope of getting the Bill through. To return now to the question of principle.

The principle of the Bill of my honourable friend is that of giving a monopoly of medical education to the Medical Corpora-

tions. Upon that ground I am opposed to the Bill now,—upon that ground I was opposed to it last year,—and upon that ground I shall continue to be opposed to it, so long as it contains the principle in question. At the present moment there are twenty-one licensing bodies in the United Kingdom. Of these, eleven are Universities and nine are Corporations; the twenty-first being the Archbishop of Canterbury. My honourable friend in his Bill gives the whole licensing power to the Corporations alone. It is true, that in the Council he gives a certain amount of power to the Universities; but even in the Council the proportion given to the Universities is not fair, as compared with that given to the Corporations. By the Bill of my honourable friend, also, every University Medical Graduate is compelled, before he can be recognised as entitled to be registered, to be examined by one of those Corporations. He is further obliged to join a Corporation; and there is, moreover, an extraordinary clause in the Bill which forces every gentleman, who has passed the necessary examination, to reside two years in one country before he can be registered in another. The only reason for this that I have been able to discover is, that there has always existed in England a certain degree of jealousy of Scotchmen and Scotch doctors; and even the cheers of this House, when expressions of a depreciatory character with respect to Scotchmen are made use of, give evidence that the feeling still exists. It has been shown by Smollett in "Roderick Random;" for Roderick Random, when he went up for examination before the College of Surgeons in London, was asked where he came from. "From Scotland," was the reply. "Of course, none but Scotchmen come here: you Scotchmen overspread us as the locusts did Egypt." Scotchmen, however, in this respect only follow what appears to be a natural law, for I well remember that the late Dr. Buckland, in his lectures at Oxford, related as a curious fact, that the footprints of the palæontological tortoise, found in Dumfriesshire, invariably tended southwards, and that there was no instance of their footprints tending northwards,—a remarkable instance of the tendency of Scotchmen to go south and never to return!

To justify the principle of the Bill of my honourable friend, which gives the whole power to the Corporations, my honourable friend should show that the right of licensing to practise, which has hitherto been possessed and exercised by the Universities, is

objectionable in theory, and has been found to work ill in practice. The honourable Member for Oxford has, indeed, announced a somewhat startling fact; viz. that no great thing has ever been accomplished excepting through monopolies; and he has endeavoured to show that monopoly will work well for the public. He said that he did not see why the Medical Profession should not regulate itself in the same way as the Clerical and Legal Professions do. Now, as regards the example of the Clergy, I am not aware that the Medical Profession holds the doctrine of apostolical succession from Galen and Hippocrates; unless, perhaps, those members do who have received their degree from the Archbishop of Canterbury; and as regards the legal analogy I make bold to say, even in the presence of so many luminaries of the law, that the opinion has long prevailed, among laymen at all events, that, distinguished as that profession is, still it might be improved, if admission to its ranks were obtained, not by the payment of fees only, and by showing an aptitude of stomach for digesting a certain number of dinners, but by passing a practical examination in the practice and theory of the law in its different branches. Indeed, the right honourable gentleman, the Member for Dublin University, was so sensible of the objectionable manner in which the legal societies admitted members to the legal profession, that he moved for the appointment of a Royal Commission on the subject. So much, then, for the theory of the Medical Corporations solely licensing for practice. We have not, however, to do with theory, but with what has been and is now the practice in this country. We find, then, the right of licensing to practise to be universally exercised by the Universities. This right has existed from all time in the case of the Oxford and Cambridge Universities, and it likewise practically exists in the case of the Scotch and Irish Universities. The right on the part of these Universities dates from their foundation in ancient times, but we have a recent instance of the recognition of this principle in a Bill which, in 1854, passed through this House for the purpose of extending to the London University Medical Graduates the same rights and privileges which are enjoyed by those of the Universities of Oxford and Cambridge. It is, too, somewhat extraordinary, that among the warmest supporters of that Bill, sanctioning the principle of University Degrees licensing for practice, was the honourable Member for Newcastle himself, who then supported an amendment to the effect that the

University of Durham should be put on the same footing, but who is now the promoter of a Bill which deprives the Universities of their ancient and acknowledged right. Therefore I repeat, that, as regards this country, the principle of a University Degree conferring the right to practise is founded on old charters, and has received the sanction of Parliament so recently as 1854. Such being the law in this respect in this country, let us see what is the state of things on the Continent. In France, the sole licensing power is the University of Paris ; in Germany, it is not the Profession, but a Government Board which license; and in Italy the same rule holds good. I would more particularly refer to France and Italy, because the Charters of the Scotch Universities originated in bulls of the Popes, which were subsequently confirmed by statute, and in which it was stated that the same rights, privileges, and immunities, were conceded to them as were enjoyed by the Universities of Paris and Bologna. If, then, this has been the practice both at home and abroad, I think some strong ground should be shown why, when it is attempted to remedy the defects of the law as regards the Medical Profession in these liberal and anti-monopoly days, privileges should be taken from the Universities of the three kingdoms which they have always enjoyed, and a monopoly be created for the Medical Corporations.* At least, it should first be shown that the public interests have suffered from the existing state of the law ; and I would now proceed to inquire whether it has been found to work ill in practice,—whether, in point of fact, University Medical Degrees are, as qualifications, inferior to the Diplomas given by the Medical Corporations. On this point I shall read an extract from a letter sent by the late Dr. Reid, Professor and Examiner in the University of St. Andrew's, to the Committee on Medical Registration, which sat in 1847. Mr. Lawrence, a distinguished Member of the College of Surgeons, had stated that the St. Andrew's degrees were valueless, and that he would not trust the smallest Union to the charge of a medical officer who only had a St. Andrew's degree. Dr. Reid thereupon wrote to the Committee a letter, in which he said, speaking of St. Andrew's Medical Degrees :—

" No degree is granted without a regular and stringent examination, in accordance with regulations in force since 1826.

* See Appendix, No. I.

In 1840 there were thirty candidates, of whom six were rejected; of the six rejected one possessed no diploma, four were members of the Royal College of Surgeons of London, and one was a licentiate of the Royal College of Surgeons of Edinburgh. In three years previous to 1845 there were seventy-one candidates, of whom twelve were rejected; of the twelve rejected, six, or one-half, were members of the Royal College of Surgeons of London; some of them also held the diploma of the Apothecaries' Company. In 1846, out of five licentiates of the Royal College of Surgeons of Edinburgh who presented themselves, three were remitted to their studies. In 1847 there were forty-nine candidates, of whom eleven were rejected; of the rejected, seven were members of the Royal College of Surgeons of London, one licentiate of the Royal College of Surgeons of Edinburgh, one licentiate of the Dublin Apothecaries' Company; some of them, likewise, were members of the London Apothecaries' Company." In the last Examination, held at St. Andrew's in May, out of fourteen rejections, thirteen held diplomas mostly from the College of Surgeons of London. I can quote returns to the same effect from the other Scotch Universities, but I confine myself to those from St. Andrew's, as that University, not possessing a medical school, stands, perhaps, less high in public estimation than the others in respect of its medical degrees. Here, too, it may not be inappropriate to call attention to the fact, that the Examination in Surgery of the London College of Surgeons is purely theoretical; and this fact is the more remarkable, when we consider that the only qualification held by the great mass of the general practitioners in England is the Diploma or membership of the Royal College of Surgeons. Thus we have in the mining and manufacturing districts, where accidents are of such frequent occurrence, medical practitioners who have never been examined in the practice of surgery. What, I I ask, after all, are these Medical Corporations to whom this monopoly of power is to be given? They are neither more nor less than relics of the mediæval guilds, like the Grocers', Shoemakers', and other ancient companies; but the existence of old charters, giving the Universities the right of licensing, shows clearly that they possessed the right long before these Medical Corporations were in existence. At that time, all learning, whether legal or medical, was centered in the Universities, the members being ecclesiastics, amongst whom the only properly

educated medical practitioners were to be found. In 1163 a law was passed which forbade the shedding of blood by ecclesiastics, and in consequence of that law the priests selected the barbers who shaved their heads to bleed for them, and that was the origin of the Barber-Surgeons' Corporation. Honourable gentlemen in their walks—not at the West End, but in out-of-the-way parts of London—have, perhaps, seen over a barber's shop a pole painted in various colours, but they may not be aware what it was intended to represent. The pole represented the wand formerly held by a patient when undergoing the operation of bleeding, and the stripes round the pole represented the ribbons by which the patient's arm was bound up. But the connexion between the Barbers and the Surgeons was more particularly exemplified by the shield of the Edinburgh College of Surgeons, which, up to last year, bore upon it razors and other symbols of shaving. Such, then, is the origin of the Medical Corporations; let us now see what has been and is their character. On turning to the *Encyclopædia*, I find that in the time of Henry VIII. the Physicians, and also the Barber-Surgeons of London, were incorporated, and those two bodies overstepped their jurisdiction by prosecuting those who did not belong to either, so that it became necessary to pass an Act in 1543 for the protcetion of the irregular practitioners. In 1606 James I. incorporated the Apothecaries, uniting with them the Grocers, and they also began to prosecute as soon as they had obtained their privileges. Their true character is further to be found in the Act of 1543, which states in its preamble that "Whereas it was enacted that no person within the city of London, nor within seven miles of the same, should take upon him to exercise and occupy as a physician or surgeon, except he be first examined, approved, and admitted by the Bishop of London and others; sithence the making of which Act the Company and Fellowship of Surgeons of London, minding only their own lucres and nothing the profit or case of the diseased or patient, have sued, troubled, and vexed divers honest persons (as well men as women), whom God hath endued with the knowledge of the nature, kind, and operation of certain herbs, roots, and waters, and yet the same persons have not taken anything for their pains and cunning, but have ministered the same for God's sake and charity; and it is now well known that surgeons admitted will do no cure to any person but where they shall know to be rewarded with a

greater sum than the cure extendeth unto, for, in case they would minister their cunning to sore people unrewarded, there should not so many rot and perish to death as daily do for lack of surgeons." That was the character of the Medical Corporations in the time of Henry VIII., and in our own day the same grasping, monopolising spirit, is to be traced in every line of the Bill of the honourable and learned gentleman. Now I ask honourable members whether they are so fond of corporations in general—of the City of London Corporation, for instance, or say of the Royal British Bank—that they will grant to these Medical Corporations, the relics of ancient guilds, powers which they have not heretofore possessed? It is now asked, not that they should have a fair share of power—to which I should not object—but that they should have a complete monopoly, to which I trust Parliament will never agree; and I now confidently ask the House to reject the Bill of my honourable and learned friend. As it may be for the convenience of the House to have but one discussion on the two Medical Bills, which both stand on the orders of the day, I shall now say something in support of the measure which I ask the House to substitute for the Bill of the honourable and learned gentleman. The reasons which induce me to bring that Bill forward I have already stated.

Mr. T. Duncombe rose to order. He thought it irregular to discuss during the consideration of one Bill the merits of another standing in the business of the day.

The Speaker said, that as in the course of the discussion that day there had been a constant reference to both of the Bills, it was rather too late now to interpose to prevent the noble Lord entering on the statement he was about to make.

Lord Elcho.—Fortified, Sir, by your decision, and also by the example of the honourable Member for Finsbury, who has himself referred to both Bills, I shall proceed to point out why the preference ought to be given to the Bill of the Select Committee. I shall here observe that I feel the full force of what has fallen from the honourable Member for Finsbury, to the effect that in legislating upon this subject we should be as liberal as possible, and not restrain the Profession by needless restrictions. That is the spirit in which the Bill of the Committee is conceived, and in that same spirit I now venture to propose it to the House. Both Bills have the same object in view, viz. the establishment of an efficient registration of properly qualified practitioners, but in principle it will be found

that they are diametrically opposed. The main objection raised against the Bill of the Committee by those who are opposed to it rests on the constitution of the Council. They urge that the Council ought to be representative, and not nominated by the Crown. I admit that in this respect there is a marked distinction between the two Bills: the Council in the one being nominated partly by the Crown and partly by the Corporations; whilst in the other it is wholly chosen by the Crown. But I do not consider this provision to form the principle of the measure; the important question being whether this House will give a monopoly to these Corporations or not. That is the principle involved in the Bill, and the constitution of the Council is a matter for consideration in Committee. This form of Council was adopted by the Committee of 1856, not to give irresponsible power to the Crown, but because they considered it offered the best guarantee for the constitution of a good Council. It was thought, that if the Council were nominated by the Corporations, its members would be mere delegates from those Corporations; whilst the best men would in all likelihood be selected if the nomination rested with the Crown. Nevertheless, as objections might be raised to the nomination of the Council by the Crown, the Committee of 1856, as a check on any irresponsible exercise of power by the Government, made a responsible Minister in this House the head of the Council. At that time the office of President of the Board of Health, which is now in a moribund condition, was in full vigour; and the holder of that office was accordingly nominated in the Bill as the natural head of the Medical Council, which would, to a certain extent, have to act as a Board of Health. Now that that office is about to be abolished, the Home Secretary, or some other public official with a seat in the House, might be substituted; and thus responsibility to Parliament will be secured. However, this point, as I have said before, is a matter for consideration in Committee; but the question whether a monopoly shall be given to the Medical Corporations is not a matter for consideration in Committee; and this is the principle which we are now called on to affirm or reject. The Bill of the honourable and learned gentleman, as I have already shown, gives the complete control of Medical Education, and the power of licensing to practise, to the Corporations, and to them alone; thereby excluding the Universities, and depriving them of rights and privileges which they have exercised and enjoyed from the remotest times. The Bill of the Com-

mittee, on the contrary, recognises and respects existing rights, and gives equal powers to the Universities and to the Corporations. The Council is to consist of twelve members, nominated by the Crown, of whom three are to be non-professional; and the professional members may be selected from Universities and Corporations alike. The Council is to fix the minimum standard of examination; and an Examining Board is to be established, composed of representatives from the Universities and Corporations, before whom all candidates must come for examination. When once a man has passed the standard examination, he is entitled to be registered as a licentiate in medicine and surgery, and he is then a qualified general practitioner, and free to practise in any way he likes, in any part and in all parts of the United Kingdom. He is not obliged to be re-examined by a corporation, neither is he, as in the Bill of the honourable gentleman, compelled to join a corporation before he comes to be registered. When, however, he is once on the register, he may seek the higher honours and distinctions of the Profession, either by taking a Degree at a University, or by becoming a Member of a Corporation. Should his name, however, be struck off the rolls of a Corporation, it will not on that account be struck off the register. All that he will lose will be the title or qualification he was possessed of as a Member of that Corporation. A system such as this will not, however, suit the Medical Corporations. They are, be it remembered, relics of the ancient guilds; now "guild" is derived from an excellent old Saxon word, "gildan," to pay, and the object of the Corporations is to force men to join their body with a view to the payment of the admission and examination fees, from which the London College of Surgeons derive an income of something like 10,000*l.* or 12,000*l.* a year. Why, in every line of the Bill of the honourable gentleman the letters *£. s. d.* are legibly written. In the Bill of the Committee, all the examination fees are to be paid into a common fund, and the Council is to distribute that fund in payment of examiners, and in aid of museums. I have now stated generally the difference between the two Bills, and I trust I have shown that the Bill of the Committee is conceived in a just and liberal spirit; but I do not wish the House to take the character of the Bill I advocate from any description of mine. Let the House take the testimony, not of any interested party, but of the Medical Corporations themselves. I hold in my hand a petition from the Dublin Corporation of Apothecaries, and I find it

there stated, that the amended Bill of last Session, that is to say, the Bill of the Select Committee which I have brought in, and which I am now endeavouring to explain to the House, "is characterized by an equitable adjustment of the vested rights of all parties, and at the same time contains adequate security for a suitable education, preliminary and professional;" and the petitioners pray that the amended Bill may be passed into law. That is the opinion of a Corporation in Ireland. I shall now also state what is the opinion of a Corporation in Scotland, viz. the Edinburgh College of Physicians, as regards this measure. When the Bill came out of the Select Committee last year, that body drew up a paper in which they say:—"The amended Medical Bill has appeared to the College of Physicians worthy of support, and they earnestly trust that it will be passed in the present Session of Parliament, because it will put an end to the constant agitation which has prevailed in the Profession on the subject of Medical Reform for many years past. It will secure in the fullest possible manner that equality of privilege which has long been contended for; it will secure a good minimum standard of education; it will not interfere with the higher grades of the Profession, but will leave Colleges and Universities unfettered in elevating the standard of qualification for those honours which they are entitled to bestow; it will, for the first time, render imperative a proper preliminary examination; it will save those practitioners whose position only requires the lowest qualification the necessity of passing more than one examination, by combining the elements of several into one efficient examining board; it will provide an authorized register, which will at once show who are legally qualified practitioners, and what are the qualifications they possess; it will provide for such of the museums and other adjuncts of the existing incorporations as are of real public benefit, without rendering them dependent, as heretofore, on the fees of those whom that particular body may pass; it will, for the first time, introduce some sort of government in place of the present anomalous state of the Profession by means of a Council, which, if judiciously chosen, may succeed in harmonizing the various conflicting Medical Incorporations and Universities which have never yet been, nor are likely to be, able to adjust their several claims for regulating the Profession. While, in our opinion, it will inflict no real injury on the Incorporations, it will give great satisfaction to that large section of the

Profession who are unconnected with these bodies."* Now, let me adduce the opinion of the British Medical Association, as given last year in reference to the amended Bill. There was, first, a meeting of the Committee, by whom resolutions were framed, which were subsequently submitted to the whole Association and passed. Those resolutions are to the effect, that the provisions of the amended Bill carried out the principles which the Association had always contended for; and the Association state that they are desirous of seeing the Bill at once pass into a law. I shall only bring one more witness into court in support of this Bill; but it is one whose position renders him impartial, and his testimony is therefore most valuable. It was Madame de Staël, I think, who said that the judgment of foreigners† may be considered in some measure the judgment of posterity, because it is removed from the party prejudices and personal feeling by which our judgments are so apt to be warped. Now, I have received a letter from a medical man in Jersey, stating that the Profession there are most anxious that this Bill should be extended to the Channel Islands, and although the inhabitants of these Islands are amongst the most loyal subjects of the Crown, still, from their geographical position, they are sufficiently removed from our petty squabbles to render their judgment upon this question of great weight and value, and I therefore gladly quote their favourable judgment on the Bill. I shall not trouble the House with any more arguments in favour of the Bill, but shall proceed to meet some objections urged against it. The chief objections which have been urged against the Bill are :—1st. The constitution of the Council; 2d. What is called its one-portal system; 3d. That it is a Scotch job; 4th. That the Profession are unanimous in favour of the other. I propose to deal with each of these objections in turn. First, then, as regards the constitution of the Council. I repeat that I do not hold this part of the Bill to constitute the principle of the measure, but I wish, nevertheless, to show that other persons beside the Committee of 1856 consider the proposed constitution of the Council not objectionable. A gentleman, whose name can never be mentioned in this House without honour, has drawn up a most able analysis of the two Bills.‡ Mr. Warburton,

* See Appendix, No. II.
† See Appendix, No. III.
‡ See Appendix, No. II.

the gentleman I refer to, says on the part of the Senate of the University of London, that that body greatly prefer the constitution of Lord Elcho's Council with its Committees to the constitution of Mr. Headlam's general Council and branch Councils. But I prefer, when it is in my power to do so, to bring forward the evidence of my opponents in support of the principles of the Bill—*Fas est ab hoste doceri.* The Royal College of Physicians of Edinburgh last year suggested,—

"Whether there is not a danger that delegates sent directly by the Corporations, or by any public bodies, would not be likely to lean too much to the interests of those bodies, and, therefore, less to those of the public and the profession in general?" *

And they therefore proposed,—

"That the number of the Council should not exceed twelve. That the President of the Board of Health should be the Chairman of the Medical Council."

This I need not repeat is the exact number and constitution of the Council as proposed in the Bill, and yet, strange to say, we now find these Corporations coming forward and denouncing the Bill as a violent and unjust interference with their rights. Such inconsistency is, indeed, monstrous. The Royal College of Surgeons is now active in its opposition to this Bill, although last year a petition from that body to the House of Commons states,—

"That your Petitioners are of opinion that a Medical Council, or central authority of some kind, might be instituted with advantage to the public, in order to establish and enforce education and examinations of equal value as a foundation for reciprocity of practice in the three kingdoms. They believe that a Council nominated by the Crown, not exceeding five or seven in number, including two non-medical members, might usefully regulate the course of education, so as to secure the harmonious co-operation and efficiency of the several schools and licensing bodies. The more immediate connexion thus established with the State would create an interest on the part of Government in the affairs of the Profession, would insure the personal competency and responsibility of the Council, and raise the Profession in the estimation of the public."

That Petition has appended to it the signatures of Lawrence,

* See Appendix, No. II.

Brodie, Skey,* and all the most distinguished members of that influential body. I trust, therefore, that the House will hear no more of the injustice and degradation endeavoured to be heaped upon these Corporations by means of a Council nominated by the Crown. I now come to what is called the "one-portal system," to which so much objection has been taken, but which, in my opinion, is the one feature in the Bill most especially deserving of praise. For whom, I ask, are we legislating? For the great body of the people of England, and not for the rich merely. The rich have it in their power by means of their guineas to summon to their bed-sides, in time of illness, Sir Benjamin This or Sir Charles That; but the House has to take care that the general practitioners, who are charged with the care of the poor, are not incompetent, but men thoroughly qualified in every respect. In this Bill security is taken that the name of no man, not qualified in the opinion of a competent authority, shall be on the register; but when a man is once on the register, the Corporations and Universities will then freely compete together to induce him to go to the one or the other. They will grant titular distinctions, and the Public will, of course, form their own opinion as to the comparative value of these particular distinctions. It would, for instance, depend upon the comparative value attached by the Public to the Degree of the London University, or to the Diploma of the Royal College of Physicians, to which of the two a candidate for the higher honours of the Profession would betake himself. They will

* The petition was signed by—

William Lawrence, *President.*

Benjamin Travers, Edward Stanley, } *Vice-Presidents.*

Robert Keate.
G. J. Guthrie.
B. C. Brodie.
Joseph Swan.
Joseph Henry Green.
James Moncrieff Arnott.
John F. South.
Cæsar H. Hawkins.
James Luke.
Frederick C. Skey.
Joseph Hodgson.
Thos. Wormald.
John Bishop.
Gilbert Maekmurdo.
Frances Kiernan.
W. Coulson.
Richard Partridge.
John Hilton.
R. Quain.

For proof of similar inconsisteney on the part of the London College of Physicians, see Appendix, No. V.

thus be brought to compete advantageously with each other. Lord Brougham had said that there are two kinds of epigrams,—there is the epigram with the point and the epigram with the knob. Now, as there are two kinds of epigrams, so likewise there are two kinds of competition. There is the competition upwards, and there is the competition downwards. This one-portal system will be found to contain the principle of competition upwards, whilst the Bill of the honourable and learned gentleman contains the principle of competition downwards. The Edinburgh College of Physicians, to whose able paper upon this question I am so much indebted, and from which I have already so largely quoted, makes the following statement with reference to the proposal to abolish all the existing Examining Boards, and to set up in their places one chosen jointly by the Universities and the Incorporations :—

"Although some of these bodies have, undoubtedly, faithfully discharged their duties, others have been most remiss; and from the obvious difficulty of preferring one to another, it seems better to establish one common portal, through which the Profession must be entered. While men continue to be actuated, as they at present are, by honourable ambition, and while the competition in our Profession remains as it is, there is little fear of this engendering a dead level in medical acquirement: all, indeed, will enter by one portal; but most will seek the higher honours which Universities and Colleges will bestow. There has been no want hitherto of a strenuous competition for the mere honorary distinctions in the Profession, and this is not likely to be arrested by the Bill." Mr. Fergusson, the eminent Metropolitan Surgeon, expressed the following opinion in a letter to a friend with regard to this Bill:—"In so far as I am myself concerned, I have no objection that my preference for Lord Elcho's Bill should be known. I have for nearly thirty years advocated a main feature in that Bill,—the one-portal system. There is, in my opinion, no single feature in what is called Medical Reform of greater importance than this. In other respects there seems a simplicity of arrangement in Lord Elcho's Bill, which induces me to look far more favourably upon it than upon that of Mr. Headlam."

The views entertained on the subject of the one-portal system by the Edinburgh College of Physicians and by Mr. Fergusson, were strongly advocated thirty years ago by Dr. Thomson, the celebrated Professor of Medicine in the University of Edinburgh.

Dr. Thomson, in his "Life of Dr. Cullen," thus expresses his opinion :—

"If it be desirable for the interests of society that there should exist a separate class of Medical Practitioners under the title of Physicians, the Legislature would surely confer a greater benefit on the public by fixing a course of preliminary and professional education, and providing for the strict examination of those who desire to be licensed to practise in this capacity, and then leaving them at liberty to practise their profession where they please, than by indulging Corporations in the exercise of a narrow and exclusive system of monopoly, the only conceivable operation of which is to engender arrogance and presumption, and, consequently, ignorance and rashness, in the minds of those who are admitted within its pale, and jealousy and rancour in those who are kept without it."

Similar views were maintained and expressed by Dr. Carpenter, the well-known writer on Physiology, some twenty years ago, in the "British and Foreign Medical Review," but which it is unnecessary that I should read to the House. I now come to the charge that I am endeavouring to carry out what is called a Scotch job. There appears this year an unhappy peculiarity about me, for everything I do is denounced as a job. I was charged with jobbery because I advocated the 25-inch scale for the Scotch survey; and now, because I am, for the sake of the public, endeavouring to oppose a monopoly, I am accused of being engaged in a Scotch job. I deny the charge! The Bill of the Committee will confer no peculiar benefits upon Scotland; all that it does is to protect equally the Scotch, the Irish, and the English Universities. The best proof I can give of its not being a Scotch job is, that at the very time when I was bringing in the Bill a meeting was being held in Edinburgh on the part of Delegates from the Scotch Corporations and Universities, with a view to effecting a compromise on this question. It has been further said that the greatest unanimity prevails among the Medical Profession on this subject, and that I am merely throwing down an apple of discord: but I think it will not be difficult to show that this so-called unanimity has no real existence; indeed, the hostility of the Universities would alone be a sufficient proof of this. It is true, that by means of some hocus-pocus the names of two honourable gentlemen opposite, the honourable Member for the University of Oxford (Sir W. Heathcote), and the right honourable Member for the Dublin University (Mr.

Napier), who last year fought the battle of the Universities against the Monopolists, appear this year on the back of the Bill introduced by the honourable and learned Member for Newcastle-on-Tyne. I give that honourable and learned gentleman full credit for the diplomatic tact which has led him to get the names of those two honourable Members on the back of his Bill. Last year the names of the honourable Member for Ayr (Mr. Craufurd), and the honourable Member for Leitrim (Mr. Brady), appeared upon the honourable gentleman's Bill, and it might naturally have been supposed that, when the honourable Member for Newcastle-on-Tyne introduced this Session another measure of Medical Reform, he would have consulted the two honourable gentlemen who previously backed him, and would again have placed their names upon the Bill. My honourable and learned friend (Mr. Headlam), however, has not said a word on the subject to either of these gentlemen, but went over to the enemy and enticed from their ranks,—by what bribe I know not,—the two honourable gentlemen opposite, whose names now appear on the back of his Bill. This seemed to me rather sharp practice, and, consequently, I asked the honourable Members for Ayr and Leitrim (Mr. Craufurd and Mr. Brady) to allow their names to be placed on the back of the Bill which I was to introduce. They unhesitatingly consented, and I obtained leave to bring in the Bill, which was entitled the "Medical Profession (No. 2) Bill." The next day I met the honourable Member for Leitrim (Mr. Brady), who requested me as a personal favour to take his name off the Bill, stating that, from peculiar circumstances connected with his position in Ireland, he did not wish to meddle any more with Medical Reform. I acceded to the honourable gentleman's request, but the consequence was that I had to get the order for the Bill discharged, and to obtain leave to introduce the "Medical Profession (No. 3) Bill," which stood next upon the orders of the day, the only change being the substitution of the name of my right honourable friend the Member for Lewes (Mr. Fitzroy), and the figure 3 for 2. This explanation will, I hope, do away with the misunderstanding and confusion to which the numbering of the Bills has given rise. Now, as bearing on this question of unanimity, I wish to say a few words with reference to a document which has been circulated among honourable Members, and which denounced me for disturbing the unanimity of the Medical Profession on this subject. That paper was written, not

by a mere Member of the College of Physicians of London, it was the production of one of its leading managers,—in fact, of Dr. Alderson, its Treasurer. I doubt whether the oldest Member of the House has ever known so extraordinary a production addressed to Members of Parliament. The paper was headed, "Remarks on Mr. Headlam's 'Medical Profession Bill' and Lord Elcho's Opposition." The first sentence ran thus:—

"Surprise, not unmingled with indignation, is the general feeling of the Medical Profession of the three kingdoms on finding that Lord Elcho, as the Advocate of the Scotch Universities, should have come forward to oppose the Medical Bill, which was read a first time last Wednesday, by Mr. Headlam."

Now, the Bill is not my Bill, nor is it the Bill of the Scotch Universities, but it is the Bill of a Select Committee, whose names afforded a sufficient guarantee that no "job" could be contemplated; but let that pass. I do not know whether the writer of this paper speaks in the name of the College of Physicians, but at all events he holds an official position in their body, and he proceeds to say:—

"It is scarcely likely that any Select Committee of the House of Commons should be in a position to comprehend the complex bearings of this difficult subject, still less to amend a decision arrived at with so much knowledge and so much care."

There is a compliment to the mental and judicial qualifications of Committees of the House of Commons! The cream of the document is, however, contained in its concluding sentence:—

"The whole Profession, therefore, are determined to regulate the laws by which they are to be governed, and they are decided not to allow any Member of the House, however popular he may be, to come forward, partially instructed and biased, as it would seem, by a small and mercenary interest, to interfere with what they believe to be wise, just, and prudent legislation."

Such a declaration emanating from the College of Physicians, expressing their determination not to allow any Member of the House of Commons to interfere with what they in their wisdom conceived to be "wise, just, and prudent legislation," is really so alarming that I feel some hesitation in inviting the House to attempt to deal with this question, and throw out the Corporation Bill. If we do so we may have Dr. Mayo, at the head of the College of Physicians, marching down to the House of Commons, and order-

ing that "bauble" (pointing to the mace upon the table) to be taken away. I think, that since the memorable declaration of the Grand Monarque, "*L'état, c'est moi,*" this production of the College of Physicians has not been surpassed. I must deny, however, that the unanimity which is alleged to prevail among members of the Medical Profession with respect to this question really exists. The British Medical Association, the Scotch Universities, Cambridge, the Queen's University in Ireland, the University of London, and the Apothecaries' Company of Ireland, are dissatisfied with the Bill of the honourable Member for Newcastle-on-Tyne, and I think, therefore, there is no chance of its becoming law. The honourable and learned gentleman (Mr. Headlam) will doubtless lay great stress on the petitions in favour of his measure, but I contend that they ought to have no weight, and I shall tell the House why. I find in the "British Medical Journal," the organ of the British Medical Association, a report of a meeting at which it was resolved that petitions should be forwarded to Parliament in favour of Mr. Headlam's Bill, and the following recommendation was given on the subject:—"It is trusted that each Member will write out and sign a petition, and at once forward it to a Member of the House of Commons. The number of petitions is greatly more important than the number of signatures to a single petition; therefore no time should be wasted in endeavouring to obtain numerously signed petitions." "Numerously signed petitions," taken along with the context, means, of course, numerous petitions, each signed by an individual. I believe I may state that, although among the deputation who waited upon Lord Palmerston on this subject, the delegates of the Medical Association of Great Britain were mentioned, the Committee of that Association had not authorised them to attend, and if the Bill of the honourable gentleman to which they have in an evil moment committed themselves can be got rid of, they will, I am confident, heartily support the Bill of the Select Committee. Among the deputation were also delegates from the College of Surgeons of London, but the next day a letter appeared in "The Times," signed by a member of the College of Surgeons, who said that the gentlemen who professed to represent the College of Surgeons in the deputation had no more right to speak in the name of the 12,000 Surgeons of England, than would any three Members of this House be entitled to go to the Government as representatives

of the House of Commons; and Dr. Mayo, who headed the deputation, in a reply to this letter which subsequently appeared in "The Times," never attempted an answer upon this point. I maintain then, that the unanimity which is alleged to prevail among the Profession does not in reality exist. Indeed the interests of the Universities and of the governing bodies in the Medical Corporations are so discordant, that it is impossible to establish anything like unanimity. I hope, therefore, that the House, instead of assenting to the Bill of the honourable Member for Newcastle-on-Tyne, will adopt the Bill drawn up by the Committee to whom was referred the consideration of the subject. It is absurd to endeavour to obtain the consent of all the various bodies whose interests will be affected by such a measure. The failure of Medical Reform hitherto, I attribute to the attempt which has always been made to reconcile what is irreconcilable; and it is not to an impossible unanimity, but to the goodness and justice of our measures that we must look for success. If Parliament had waited until the consent of the Legal Profession had been obtained to improvements of the law, what efficient legal reforms would have been effected? If you had waited for the consent of the owners of rotten boroughs, when would Parliamentary Reform have been carried? If you had waited for the consent of the farmers, and had been influenced by their petitions, when would free trade in corn have been established? I call upon the House, then, to act with justice in this case, regardless of the interested opposition of a portion of the Profession. I am indeed aware of the Quixotic nature of the enterprise I have undertaken in endeavouring to induce the House to oppose an organised agitation, which extends throughout the three kingdoms. I well know the influence which a highly cultivated and intelligent medical man, who attends our homes, who waits upon our sick-beds, exercises over the mind of his patient; and who can wonder at his influence, considering the nature of his calling? To heal the sick, to relieve the suffering, to smooth the pillow of the dying,—his, indeed, is a high, a holy mission! It must, however, be remembered, that after all, Physicians are but men, subject to the same feelings and passions as other men—selfish like the rest of us when our supposed interests, above all our pecuniary interests, are at stake; and it must be borne in mind that we have now to deal with men, not in their individual, but in their corporate capacity. I ask

then, honourable gentlemen, setting aside all the influences of private feeling or personal predilection, to view this question dispassionately, and upon its merits alone. If they do this, I have have little fear of the result, and I confidently anticipate the rejection of the monopolising Bill of the Corporations, and the substitution in its place of the Bill of the Select Committee.

APPENDIX.

I.

Extracts from a Memorial of the Senatus Academicus of the University of Edinburgh, relative to two proposed Bills for regulating the Medical Profession, submitted to the Right Honourable the Secretary of State for the Home Department, June 1, 1855—

* * * * * *

The Senatus have felt that this is the proper opportunity for calling the Right Honourable Secretary's attention to the efforts which have been made for a few years past by certain of the Medical Corporations of Scotland, and also by a body called the Provincial Medical Association of England, to exalt the importance of these Corporations, and lower the position of the Universities in the eyes of the Government, the Legislature, and the country at large. It would not become the Senatus to occupy the attention of the Right Honourable Secretary with the origin and motives of this controversy, in which the Universities have hitherto declined to take any public part.

On the general question—the expediency of conceding the right of practising every branch of the profession of medicine in every part of the United Kingdom to the Licentiates of the Medical Corporations alone on the one hand, or to University Graduates only on the other, or to both co-equally—the Senatus will only take leave to say, that they can see only one substantial reason for the proposal advanced by some of the Corporations, for restricting the privilege of practice to Licentiates of Corporations; viz. that, as they themselves confess, they are afraid they cannot encounter a fair competition with the Univer-

sities. Every other objection brought against the Universities possessing the same right, will find its answer in the checks proposed in the Draft Bill for ensuring a complete education of candidates, and a faithful examination.

If these Corporations feel that they cannot successfully stand such a competition, it will be for the Legislature to consider whether the objecting bodies have been of such comparative importance to the country as to deserve being supported by exclusive privileges at the cost of the Universities.

The Senatus of the University of Edinburgh fearlessly court an inquiry into this question, well knowing what will be the result.

The objecting Corporations propound the theory, that admission into the Medical Profession should be granted only by the Profession itself; by which they mean themselves. Should the Legislature, however, find it advisable to inquire into the organisation of the Medical Profession in other countries, as well as in this, the Senatus fear, for the credit of the corporation system, that medicine will turn out to have flourished nowhere so prosperously, or with so much of the character of a scientific profession, as in some countries where it it is organised entirely upon a system of Universities, without any corporation at all. In particular, nowhere is admission to the Profession so exclusively the part of the Universities as in France, for there is not a single corporation in that country; and to no country is medicine so much indebted in modern times for discoveries and advancement in all the fundamental sciences on which it rests.

Besides, it is not easy to see on what just grounds these Corporations call themselves the Medical Profession, or can be fairly said to represent it, more than the Medical Faculties of Universities do. The Medical Corporations in Scotland consist, on the whole, of a small number of individuals; and the admission to their Fellowship is purchased by a large entrance-fee; while the admission to the University Medical Professorships is a test and result of professional talents, and not of wealth.

The Senatus, however—and in this they believe they are joined by the other Universities of the United Kingdom—do not desire to possess any such monopoly as that enjoyed by foreign Universities. In approving the principles and leading details of the Draft Bill put before them by the Right Honourable Secretary, they seek, as they have all along sought, in their advocacy of medical reform, only a fair field for themselves and for all.

Very different is the demand made by the objecting Corporations. They require a monopoly for the Corporations. They desire to ex-

clude the Universities. And they desire to exclude them, because they admit they cannot compete with them. They cannot deny that the Graduates of all the leading Universities are held in great repute as practitioners of every branch of medicine, equally in the field of private practice and in the public medical services. It would be absurd to deny that the less important Universities may be easily induced by the Legislature, as proposed in the Draft Bill, to raise their Graduates to the same level by a sufficient education and due examinations. Such is all, surely, the country can require. But the objecting Corporations require something more than this. They demand, that men proved to have been sufficiently educated and adequately examined, and whose education and examination render their title and qualifications more esteemed than those of the Licentiates of Corporations, shall, nevertheless, all be compelled to take the license of a corporation, admitted to be a minor title,—and for no other real reason than for the purpose of increasing the fees and the power of the Corporations. In short, the proposition before the Right Honourable Secretary is a pure monopoly question, which has thus suddenly been propounded by those who for a long time before had been calling out for an end being put to all monopoly.

* * * * * *

In regard to the Bill of Mr. Headlam, while the Senatus approve of many of the measures embraced by it, there are some of its principles which appear to them inexpedient.

The proposed Medical Council is too numerous, and therefore both cumbrous and costly. Nor can it ever be otherwise, if appointed on a strict and full representative system.

The proposal to form part of it by a system of universal suffrage throughout the whole Medical Profession will result in disappointment. The members of the Medical Profession cannot be convened for the purpose of considering and discussing the merits of candidates. For information on that vital point they must, in a great measure, be at the mercy of a very few professional journalists, who have not hitherto proved to be remarkable for their impartiality. The proposal goes on the assumption that the memberships of the Council will be an object of ambition and emolument to persons at the head of the Profession, who are expected to be anxious to incur the expense and trouble of a public canvass for them. But no man, of even moderate professional distinction, can discharge the duties of such an office without a considerable sacrifice. It is most unlikely, therefore, that he will be induced to undertake the task, if he has also to encounter all the vexations of an open competition. In fact, under a system of popular

election, there is every reason to fear that the Council would fall into the hands of a set of bustling medical demagogues,—of all men the least likely to advance medical education and the position of the medical profession.

The Senatus, therefore, very much prefer a less numerous Council, and that the members should be selected by the advisers of the Crown.

Another principle of Mr. Headlam's Bill to which the Senatus object, is that which restricts the right of practising medicine, in all or any of its branches, to the Licentiates of the incorporated Medical and Surgical Colleges. This principle is evidently founded on the theory advanced by some of these Corporations, and already adverted to above, that the Medical Profession should themselves alone admit to the Profession. The theory is a specious one; and in order to make it more so, it is accompanied in the memorials of some of the Scotch Corporations with another plausible theory, that the Universities should only teach, while the Corporations alone should license.

The proposition here made might also perhaps be thought a fair one, as well as specious, if it embraced the counter-proposition, that the Universities should alone teach and the Corporations only license. But that is by no means the object of the Corporations, or of Mr. Headlam's Bill. On the contrary, the Corporations desire to retain for their members the full right of teaching—there must be no monopoly there—but to allow the Universities no share in licensing.

What have the Universities done to deserve such usage from the nation? The important privileges conferred on the University of London by the Legislature in the last Session of Parliament constitute a sufficient reply.

But it is alleged that some of the minor Universities have betrayed their trust, by having been in the habit of conferring their degrees unworthily. Whose fault is this? Not, surely, of the other Universities, such as Edinburgh, who have maintained for their degree a good name throughout the medical world at home and abroad; but of the Government, who had it in its power, by the right of Royal Visitation, easily to control irregularities, and who, though repeatedly called on by other Universities to do so, have hitherto refrained from interfering.

Are there not Medical Corporations who have equally betrayed their trust in the like manner, by granting their licenses upon inferior education and inadequate examination? Unfortunately, such are to be found, and among the very Corporations who now clamour

for restricting the right of admission into practice to Corporations, and excluding Universities.

In one of the documents pressed last summer by the delegates of the College of Surgeons on the Government and the Legislature, on the occasion of their resistance to the London Medical Graduates' Bill, it was alleged to be "a universally recognised principle of "medical reform," with which that Bill was held to be at variance,— "that a medical degree should stand in the light of an honorary dis- "tinction; while the legal right to practise should be derived from "the license or letters-testimonial of a body composed of gentlemen "actually engaged in the practice of medicine." This strong and very important asseveration, though it did not arrest the progress of the London Medical Graduates' Bill, was the chief ostensible cause why the privileges granted to the London Graduates were not extended to those of Scotland also. And, nevertheless, it is a complete tissue of error.

The principle that Universities should confer honours only, and that Corporations should alone grant the right of practice, never has been universally recognised or advanced, except by the Corporations themselves. In every attempt at medical reform in this country, prior to an abortive one made last year by the English Provincial Medical Association, aided by the Scotch Corporations, the Universities have been allowed important privileges, and some of them have even been exempted from the restrictions proposed in the Bills. There is nothing whatever in the essence or actual constitution of Universities to demand the adoption of any such principle. On the contrary, it has been already shown that in foreign countries, where the form of government allows of that being done without obstruction which is thought best for the community, the licensing of practitioners has been successfully organised upon a pure University system, to the exclusion of Corporations altogether.

Signed in name and by authority of the Senatus Academicus of the University of Edinburgh.

JOHN LEE, D.D. *Principal.*

II.

Reasons for supporting the "Amended Medical Bill," by the Representatives of the Royal College of Physicians of Edinburgh.

The following Statement has been prepared at the request of several influential Members of the House of Commons, and is to be considered as an attempt, at their suggestion, to embody in a more permanent form the reasons stated orally by a deputation of the Royal College of Physicians of Edinburgh, at present in London, in favour of the Amended Medical Bill, and in reply to various objections made to them against the Bill.

The Amended Medical Bill has appeared to the College of Physicians worthy of support, and they earnestly trust that it will be passed in the present Session of Parliament;—Because,

1st. It will put an end to the constant agitation which has prevailed in the Profession on the subject of Medical Reform for many years past.

2d. It will secure in the fullest possible manner that equality of privilege which has long been contended for.

3d. It will secure a good minimum standard of education, so that the very poorest, who chiefly need the protection of the State in these matters, will have the attendance of a properly qualified medical man.

4th. It will not interfere with the higher grades of the Profession, but will leave Colleges and Universities unfettered in elevating the standard of qualification for those honours which they are entitled to bestow.

5th. It will, for the first time, render imperative a proper preliminary examination.

6th. It will save those Practitioners whose position merely requires the lowest qualification the necessity of passing more than one examination, by combining the representatives of several into one efficient Examining Board.

7th. It will provide an authorised Register, which will at once show who are legally qualified Practitioners, and what are the qualifications which they possess.

8th. It will, as far as seems advisable, repress irregular practice, by rendering unqualified Practitioners incapable of holding any public appointment, or signing any of the certificates required in the daily routine of practice.

9th. It will provide for such of the Museums and other adjuncts of the existing Incorporations as are of real public benefit, without rendering them dependent, as heretofore, on the fees of those whom that particular body may pass.

10th. It will enable the various Incorporations to obtain new Charters calculated to elevate and extend their position, and to bring their statutes more into accordance with the liberal character of the age.

11th. It will, for the first time, introduce some sort of government in place of the present anomalous state of the Profession, by means of a Council, which, if judiciously chosen, may succeed in harmonising the various conflicting Medical Incorporations and Universities who have never yet been, nor are ever likely to be, able to adjust their several claims for regulating the Profession.

12th. While, in our opinion, it will inflict no real injury on the Incorporations, it will give great satisfaction to that large section of the Profession who are unconnected with these bodies. But,

I. *It is objected, that this Bill places the whole Medical Profession under a Council nominated by the Crown, and thus reduces it to the position of a body regulated by and dependent on the State.*

It is replied — 1st, That equality of privilege cannot be demanded unless equality of education be secured; and that every measure of Medical Reform which has been introduced into Parliament has contemplated the establishment of a Council for the purpose of securing such uniformity.

2d. That any attempt to vest the election of such a Council in the Medical Profession itself would be attended with serious inconveniences — would tend to produce and to renew continually agitation and dissension among the members of the Profession, and would have the effect of withdrawing their attention from their more important duties.

3d. That the nomination of *ex officio* members from the various Colleges would be objectionable, from the large number of bodies who would claim the right of being represented, and from the manifest impropriety of having at the Board representatives bound rather to support the interests of their own constituents than of the public and the Profession.

4th. That a Board, the Chairman of which has necessarily a seat in the House of Commons, cannot with propriety be styled an irresponsible Board.

At the same time, there does not seem to be any objection to a plan (could such be devised) by which the Crown might be limited in its choice to a selection from lists furnished by the various Boards at present entrusted with the government of the Profession. This plan would render the Council—to some extent, at least—responsible to the Profession, and thus neutralise much of the opposition at present offered to the Bill.

II. *It is objected, that the powers which the Bill proposes to confer on the Council are too extensive, arbitrary, and undefined.*

It is replied—That it is not very apparent—with one exception, to be immediately considered—what further powers the Council possess under the Bill (unless it be the appointment of the Examiners in preliminary education), than the very powers which some of those bodies who have the most strongly urged this objection have been willing to concede to them, for they have stated that they "would "have readily assented to the appointment by the Crown of a Medical "Council for the limited purposes of fixing a minimum course of study, "and of exercising such a superintendence over the various Licensing "Boards as should secure the faithful discharge of their duties as "Examiners."—(*Petition of College of Surgeons of Edinburgh.*)

In regard to the other matter entrusted to the Council—the distribution of the Funds for the support of the various Incorporations, it seems to be a most prudent and equitable arrangement that the distribution of these should be entrusted to a body responsible to Parliament, and having no personal interest in the matter.

It seems, however, to be a right thing in itself, and would tend to improve the Bill and neutralise much of the opposition at present offered to it, were the Medical Council to be bound to recognise the attendance of Students on the classes of the Professors of such Universities as have complete Medical Schools, and of such other teachers as shall have been examined and found competent by the Colleges of Physicians and Surgeons in the different divisions of the country, as is at present done in regard to the Medical Officers of the Army and Navy.

III. *It is objected, that the Bill proposes practically to abolish all the existing Examining Boards, and to set up in their places one chosen jointly by the Universities and the Incorporations.*

It is replied—1st, That although some of these bodies have

undoubtedly faithfully discharged their duties, others have been most remiss; and that from the obvious difficulty of preferring one to another, it seems better to establish one common portal through which the Profession must be entered. At present no existing body confers a complete license for general practice. The College of Surgeons of England licenses in Anatomy and Surgery alone: to these two branches the Scottish College superadds Pharmacy. In England the double qualification (of the College of Surgeons and Apothecaries' Company) is generally taken, while in Scotland the Medical Practitioner very commonly unites to his license to practise Anatomy, Surgery, and Pharmacy, the Degree of Doctor of Medicine from one or other of the Universities. It will undoubtedly be a great boon to the Student of Medicine to allow him to pass one examination only, in order to entitle him to practise as a General Practitioner.

2d. While men continue to be actuated, as they at present are, by honourable ambition—and while the competition in our Profession remains as it is—there is little fear of this engendering a dead level in medical acquirement. All will, indeed, enter by one portal, but most will seek the higher honours which Universities and Colleges will bestow. There has been no want hitherto of a strenuous competition for the mere honorary distinctions in the Profession, and this is not likely to be arrested by the Bill.

V. *It is contended, that this Bill will deprive various bodies of powers which they have hitherto exercised for the public good, and of the revenue which they have derived from granting the license to practise.*

It is replied—That there cannot be a Medical Bill which will not affect individual interests; and that while such claims may be very well put forward as entitling the sufferers to compensation or aid, they ought not to be permitted, for a single instant, to stand in the way of the good of the Profession and the public. Some of the bodies who have used this argument have repeatedly petitioned in favour of Medical Reform; and it is plain that any measure for this purpose must of necessity be a compromise between existing interests, and that those who are sincerely anxious for its progress must be prepared, as they have often expressed their willingness to do, "to relinquish their privileges for the public good."

VI. *It is alleged, that by this Bill the power of admission to the Profession will be taken out of the hands of the Medical Incorporations, and that the Medical Profession will be deprived of the power of self-government.*

It is replied—That the Board, and the only Board by which admission will be given to the Profession by the Bill, is one chosen from and selected by the Incorporations, conjointly with the Universities; and that the association of the latter with the Incorporations in this matter is a compromise which the Edinburgh Colleges, at least, have repeatedly expressed their willingness to make.

In regard to self-government, the Incorporations are not interfered with in the management of their own affairs, and they have never attempted to govern the Profession without doing harm to themselves and others.

VII. *A special objection has been urged by the Faculty of Physicians and Surgeons of Glasgow, that the Bill proposes to annihilate their Corporation, and to absorb their Members into the Colleges of Physicians and Surgeons of Edinburgh.*

It is replied—1st. That the junction alluded to can only take place with consent of all the parties interested.

2d. That if it does take place, the union will not be with the Colleges of Edinburgh, but, united with the Faculty, they will become the Royal Colleges of *Scotland*, and that in them Glasgow will have her own influence.

3d. That, so far from its effecting the removal of the Examining Board from Glasgow, it would facilitate the establishment of one there, as the two Colleges would then be represented by their Fellows resident in Glasgow, who would naturally form the Examining Board for the West of Scotland.

4th. That a similar arrangement was proposed, *and agreed to*, under certain limitations, by the Glasgow Faculty in 1848, pending the negotiation on Sir James Graham's Bill.

VI. *It is objected, that the power given to local Sub-Committees to discharge certain functions is dangerous.*

It is replied—That if these Sub-Committees are merely entrusted with a ministerial power of carrying out the decisions of the General Council, no harm can possibly result.

(Signed) JAMES BEGBIE, M.D.
President Royal College Physicians, Edinburgh.
ALEX. WOOD, M.D.,
Hon. Sec. Royal College Physicians, Edinburgh.

III.

In reference to the judgment of Foreigners, the following extract from the "Gazette Médicale de Paris," translated into the "Dublin Medical Press," August 19, 1857, is highly interesting:—

Last year a Bill was introduced into the House of Commons by Mr. Headlam; but, referred to a Committee of an expiring Parliament, say the English journals, it died with it.

Its author has again taken it up, and his motion was considered by the House in the month of May last. But if night brings counsel, a year of parliamentary interregnum also bears its fruits, and Mr. Headlam's new Bill no longer resembles his former measure on many important points. Obliged to bow before the power of established Corporations, or yielding to their pressure, Mr. Headlam, in his new project of law, gives them a large part in the General Council destined to superintend all the establishments for medical instruction, and to regulate the conditions and grounds of admission to professional titles.

Each of the Societies, Universities, or Companies enumerated above, has in it a right to representation, and enjoys a number of votes proportionate to its actual influence. It is clear that such an arrangement must tend to perpetuate a portion of the existing abuses.

Further, Mr. Headlam's project preserves and hands over to these same Corporations the rights and privileges of conferring Diplomas and Letters Patent, under the superintendence, it is true, of the superior council; and lastly, maintains intact the three divisions we have mentioned above: Physicians, Surgeons, and General Practitioners.

In a word, the ancient organisation, slightly improved, would come forth from Parliament more powerful and better organised than before.

It seems, if we have correctly understood the editorial observations of the English medical press, which are rather scanty on this subject, that this Bill would but very incompletely satisfy the Profession, considered as a whole. And this only partially surprises us.

This project is, in fact, quite different from that first submitted to the deliberation of Parliament. It also encounters a rival project, presented by Lord Elcho; and, strange to say, this rival project is, with a few exceptions,* the Bill of last year of the same Mr. Headlam.

* Rather, without any exception whatever.

But Lord Elcho's Bill is not, like Mr. Headlam's younger child, "a sort of compromise" (we take the expression from the English journals) between existing interests. It is a radical, definite project, which speaks out boldly, and really establishes unity for the future, without annulling rights acquired, or personal titles consecrated in the past.

The superior Council of Lord Elcho's Bill, more directly under the control of the Crown, is no longer an emanation and compound, in proportionate quantities, of all the Corporations which divide among themselves the United Kingdom. It is a body independent in its origin, as it is to be elevated by its weighty functions.

But an important, we might almost say, revolutionary character of this second project, is the abolition it proclaims in principle of the different orders of practitioners. Every person declared competent by the examining Council shall receive the diploma of "Licentiate in Medicine and Surgery," and shall be entitled to practise Medicine, Surgery, Pharmacy, and Midwifery in any part of the three kingdoms.

We were, as may be supposed, deeply interested by the perusal, at the time they appeared, of these two projects; we naturally expected as a result of the discussion that they could not fail to give rise to great, at least moral advantages to the Profession.

The question of equality of instruction, of uniformity of education, all latitude being otherwise given to real progress, that of consequent equality of professional rights, could but gain even by being simply stated. Elucidated by the practical English spirit, these questions might even cross the Channel for our advantage, and bring us some wise conclusions which we might humbly submit to the consideration of our legislators.

Alas! among our neighbours as among ourselves, the Medical Body has no worse enemies than itself. With them as with us, public opinion was nearly disposed to receive favourably our too legitimate complaints, and to enter on a course of so desirable regulations. The Profession has succeeded in frustrating these favourable tendencies.

It is scarcely credible, but the fact is so. A project of Reform demanded by the Medical Body, with a view of delivering itself from the abuses resulting from such complicated legislation, and in particular from the autocracy of the Corporations, is cleverly adopted by the latter, and is so ably transformed at the end of a year, that there seems to be little doubt that the *statu quo* is now considered by the Profession as a benefit.

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All shall therefore continue; for it is necessary that the Corporations themselves should continue to touch their fees.

It is not we who impute to them this illiberal and foul reproach; it is their own organs, the pens charged with their defence. On reading all the apologies for Mr. Headlam's Bill, we see distinctly that no other question is entertained. It is the great pre-occupation which absorbs every other interest.

Let us seek, for example, a single line relative to the capital point of unity of theoretical teaching in medicine and surgery demanded by Lord Eleho. Not a word with respect to it. It seems quite natural to the English press, and doubtless to the Medical Body itself, that the Physician should not be allowed to receive his diploma until he has attained the age of twenty-four years, while the Surgeon is "let loose" upon society at twenty-one.

Truly we have been heartbroken in the perusal of this epitome of contentions, a proof of the derelietion and impotence of a whole Profession. It is among the laity that independence of ideas and enlightened views have been found. Society, through the medium of Lord Eleho, extends its hand to the Medical Body; the latter, with incredible forgetfulness of its interest and its respectability, rejects it.

And doubtless it was necessary to take arms against the leprosy of charlatanism, to erect a barrier against the invasion of the "quacks;" but was not the best means to concentrate all efforts on the foundations to be given to a powerful education, the sole pedestal of a truly respectable Profession?

What can the public think when they see us occupied solely with those narrow interests, which can appear to them nothing else than the cares of money or of rivalry? They see the man of business concealed under the guise of a Member of a liberal Profession, and his legitimate interest cast to the ground.

But let us show them, on the contrary, the philosopher, the labourer exclusively occupied with the means of enriching society with useful discoveries, of providing for them an educated Professional Body, difficult of access in point of knowledge alone, and then recognising that it can really act only for their interest, perhaps Society will engage in a cause which is, in the main, their own.

Now, in this particular case, we believe we are so much the more justified in accusing the Medical Body of being itself the real author of these pleas in bar, as there is no population more generally docile and prepossessed in favour of their Medical Advisers than the Anglo-Saxon race, and it is therefore the more to be regretted that we

should see a discussion of this nature fall to the ground in England. This cannot prognosticate any good to us, who are not accustomed to so much respect on the part of our patients.

We cannot, in fact, repeat it too often, it is deeply to be regretted that such has been the issue of the wishes of the medical population of England; that the general interest has given way to the narrow pretensions of the Corporations, and of the privileged Colleges; that not a voice has been heard, even among the medical press, in favour of the very questions which ought to be the proper foundations of the projected Reform.

Who, in fact, has spoken, in or out of Parliament, of this capital point, the abolition of all difference in the study and education of the Physician and Surgeon? Ought this question to take precedence or not of the inquiry, whether such or such a College of Physicians or Surgeons of one of the three kingdoms should or should not have the predominance in the superior Council?

And still there has been no question of other matters. Such is in England the power of men of position, of interests, of coteries, that not a voice has issued from the ranks of the majority to protest against this strange absorption of the interests, or of the rights of an entire profession, in the interested and greedy personalities of the constituted bodies.

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IV.

Extracts from the Memorial of the Senate of the University of London on the two Medical Bills, June 1857.

1st. The disqualifying provision which prohibits registering as a Physician any person engaged in the practice of Pharmacy, taken in conjunction with the provisions that would entitle a person in practice before the passing of the Act to be registered as a Surgeon, would have the effect of excluding from Registration altogether a Graduate in Medicine of any one of the Universities in the United Kingdom, who was in the habit of administering medicine to his own patients, unless he possessed also one of those qualifications which (according to the proposed Bill) would entitle him to be registered as a Surgeon.

The Senate are led to inquire, what public advantage can result

from imposing *by law* such a restriction on the practice of persons, who by supposition are well qualified to give medical advice?

The Senate maintain on this,* as on former occasions, that the Graduates in Medicine of their own University form a class of highly educated medical men, possessing tested acquirements in every branch of the Profession, and competent to act in every branch without requiring any other examination or license.

Such a Graduate may reside in a district where exclusive practice, in advising merely as a Physician, would not maintain him, but where his occasional practice in that capacity may be eminently conducive to the health and well-being of those around him.† Yet this Graduate, unless he possess also such a qualification as would entitle him to be registered as a Surgeon, would be interdicted from medical practice altogether under the provisions of Mr. Headlam's Bill.

To exclude a Graduate in Medicine from a College of Physicians by the By-Laws of such a College, on the ground of his practising Pharmacy, could give rise to no reasonable animadversion, provided his exclusion did not divest him of civil rights, and provided admission into such a College were held merely to be an honorary professional distinction, and provided the endeavour to gain admission thereto were a purely voluntary act on the part of those seeking to be admitted. The question of excluding or admitting such a Candidate might then properly be left to the discretion of the existing Members of the College. So would it be with Registration, if regarded merely as a professional distinction, and not made an indispensable condition to the exercise of civil rights. It does not appear to the Senate to be for the public advantage to exclude men, competent to practise Medicine in every branch, from practising Medicine at all, on the ground merely of their administering Medicine to their own patients. This invidious distinction is avoided by the provision in Lord Elcho's Bill, of having only one Register.

2dly. It is proposed by Mr. Headlam's Bill to register under one denomination, as *Surgeons*, all those qualified persons in practice before the passing of the Act, who are not registered as Physicians.

In the opinion of the Senate, a Public Register ought to be a fiducial document, accurately setting forth those matters of fact which it is the object of such an instrument to set forth truly, and not a document leading the public by incorrect appellation, or inaccurate

* See Report of a Committee of the Senate on the "Medical Registration Bill, 1848."

† See Report last referred to.

deseription, either to misapprehend, or to under-rate, or to over-rate the professional aequirements of the persons registered.

Now the great majority of the persons to be registered, whether of those in praetiee before the passing of the Aet, or of those who may afterwards enter the Profession, would belong to that elass of persons eommonly called "General Praetitioners," who for some years past have been, and who still more, after the passing of some Bill for amending the laws regulating the Medieal Profession, will be persons regularly instrueted in the Theory and Practiee of Medieine. The Register fails to be veraeious, if in the professional title to be eonferred on this elass of Praetitioners it suppresses all reeognition of their attainments in the Theory and Praetiee of Medicine. The proper publie acknowledgment of their being so instructed is made by the appellation given to them in Lord Elcho's Bill, of "Lieentiates in Medieine and Surgery."

On the other hand, it is a violation of the prineiple on whieh a Publie Register ought to be founded, to register, as Mr. Headlam's Bill proposes to do, under the denomination of Surgeons, persons lieensed only as Apothecaries, and whose knowledge of Surgery has not been tested by regular and authorised examination. This, however, is a matter of comparatively small importance, as the elass of persons now referred to would soon be extinet.

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Having now given an analysis of the leading provisions of the two Bills, the Senate will proceed briefly to express their opinion, that all whieh Parliament ought to be required to do in legislating for the Medieal Profession is to provide for the seeurity of the publie, that no one shall be lieensed to praetise Medieine in any of its branehes who has not received a eompetent edueation, as laid down and tested by a Board appointed by Government, responsible through a Minister of the Crown to Parliament.

Having eomplied with the Government Regulations, and obtained a License to praetise his profession, the Lieentiate should have unrestrieted power to do so throughout the whole British Empire.

They greatly prefer the constitution of Lord Eleho's Couneil, with its Committees, to the eonstitution of Mr. Headlam's General Couneil and Braneh Councils. They think that under the Presideney of a Publie Funetionary, the President of the Board of Health, aecountable to the Crown and to Parliament, reasonable seeurity will be taken for the appointment of proper persons to be Registrars, Clerks, and other Exeeutive Offieers, and for the eeonomical and effective administration of the large revenue that will eventually arise from Examination

Fees. The direct action of Lord Elcho's Council in making Rules concerning Examinations, they consider essential to rendering uniform throughout the United Kingdom the minimum amount of qualifications that will entitle Candidates to pass. They think it indispensable to the proper conduct of the Professional Examinations, that, as Lord Elcho's Bill proposes, the Universities should appoint some of the Examiners.

The Senate would here repeat the declaration they made on a similar occasion in 1849, that however superfluous may be a further examination of the Medical Graduates of the University of London, yet the principle of a general Examination for conferring the License to practise, as proposed in Lord Elcho's Bill, presents so many advantages, that the Senate would agree to their own Graduates being submitted to such a test, provided they were so in common with the Graduates of all other Universities.

But the Senate object to a compulsory examination by Medical Corporations, as provided by Mr. Headlam's Bill, of those who, by graduation in this or any other University, may have already acquired a legal title to practise.

The compulsory enrolment in the College of Physicians of England of all the persons who, by removal or otherwise, may become entitled to be registered as Physicians, and to practise as such in England and Wales, under Mr. Headlam's Bill, will render that body of so miscellaneous a character as to diminish the distinction arising from being a member of it.

Considering prospectively what the qualifications would be of those who would be registered as Surgeons under Mr. Headlam's Bill, it may be doubted whether in respect of their general attainments, of their knowledge of the principles, and their skill in the practice of Medicine, they would be of an order so inferior to the registered Physicians that they ought to be classed apart, and entered in a different Register. The Senate think it would be wise and prudent to obviate the agitation of such a question, by adopting Lord Elcho's proposal of having only one Register; in which case the parties registered as "Licentiates in Medicine and Surgery" would be entitled, as his Lordship proposes, to practise Medicine, Surgery, Midwifery, and Pharmacy in every part of the United Kingdom.

The Senate entirely approve of bringing all the Examination Fees into account, of their being paid into the hands of the Treasurer of the Council, and of laying the Accounts, as is proposed, before Parliament.

In order to accomplish a great measure of Reform, the Senate

would think it wise and expedient to make good out of Revenue to be raised under the Act,—1st, to the College of Surgeons for the support of the Hunterian Museum; and, 2dly, to the College of Physicians of London, any loss of income which those Colleges respectively may be able to prove that they have sustained by the carrying of Lord Elcho's Bill.

V.

Extract.

To the Right Honourable W. F. Cowper, M.P. and the other Members of the Select Committee to which the Medical Bills have been referred:—

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The College is decidedly of opinion that the Medical Council should not be very numerous, and that the Members of it should be appointed by the Crown.

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(Signed) John Ayrton Paris, *President.*
Francis Hawkins, *Registrar.*

College of Physicians, London,
April 23, 1856.

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